

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

CRYSTAL MCKINNEY,

Plaintiff,

v.

TITLEMAX OF MISSOURI, INC.

Serve: CT Corporation System  
120 S. Central Ave.  
Clayton, MO 63105

Defendant.

Cause No. 1381-CC03859

Division No. 3

Jury Trial Demanded

**FILED**

NOV - 5 2013

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

PETITION FOR DAMAGES

COMES NOW Plaintiff and for her Petition for Damages against Defendant states:

Nature of Action

1. This action is brought pursuant to Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e et seq., for pregnancy and sex discrimination.

Parties

2. Plaintiff Crystal McKinney is an individual who resides in St. Louis County, Missouri.
3. Defendant TitleMax of Missouri, Inc. is a Delaware corporation that does business in Missouri and operates a business located in St. Louis County, Missouri.
4. At all times relevant herein, Plaintiff was an employee of Defendant pursuant to 42 U.S.C. § 2000e(f) until she was terminated on August 2, 2011.
5. At all times relevant to this lawsuit, Defendant was an employer engaged in an industry affecting commerce within the meanings of 42 U.S.C. § 200e(b) (g), and (h), had over 15 employees, and was therefore an employer.

14. On or about June 6, 2011, Plaintiff was told by Linda Walls, benefits administrator, that she could take 3 weeks of unpaid personal leave after the birth of her child.

15. On July 29, 2011, Plaintiff was again told by Walls she was eligible for 3 weeks of unpaid leave after the birth of her child in August, 2011.

16. On August 1, 2011, Plaintiff went into labor and began her leave.

17. She was terminated on August 2, 2011 by Lawrence Boley and Barbara Bernard, employees of Defendant.

18. She was told she was terminated because Defendant could not approve her leave.

**Count I**  
**Violation of Title VII of the Civil Rights Act**  
**Sex/Pregnancy Discrimination**

19. Plaintiff incorporates by reference, as if fully set forth herein, each and every allegation set forth in the preceding paragraphs and further alleges as follows:

20. Plaintiff is a woman, and is therefore a member of a protected class.

21. Plaintiff was pregnant.

22. Because of her sex, female, and her sex-related condition, pregnancy, Plaintiff was discriminated against and suffered adverse employment action by Defendant, for the following reasons, including but not limited to:

- a. Defendant failed to promote Plaintiff because she was pregnant;
- b. Defendant terminated Plaintiff because she was pregnant; and
- c. Defendant failed to make reasonable accommodations for

Plaintiff's pregnancy, such as allowing her to use unpaid personal leave time following the birth of her baby, despite allowing other, non-pregnant employees to used unpaid personal leave time.

23. Defendant's reason for terminating Plaintiff's employment is pretextual, as Plaintiff had been told on more than one occasion she could use unpaid personal leave time following the birth of her child.

24. Plaintiff was damaged by Defendant's actions.

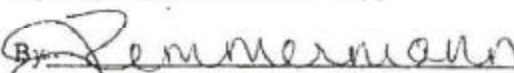
25. Plaintiff was capable of performing the essential functions of her job.

26. Defendant engaged in intentional discrimination and did so with malice or reckless indifference to the federally protected rights of Plaintiff, and Defendant's conduct was outrageous because of an evil motive and reckless indifference to the rights of Plaintiff, in that Defendant's discriminated against Plaintiff based on race without just cause or excuse in violation of the Title VII of the Civil Rights Act.

**WHEREFORE**, Plaintiff prays for judgment in her favor and against Defendant for damages in excess of \$25,000, including both actual and punitive damages, for the costs incurred herein and expended, for attorneys' fees, and for such other and further relief as the Court deems just.

Respectfully submitted,

PONDER ZIMMERMANN LLC

By: 

Jaclyn M. Zimmermann, #57814

[jmz@ponderzimmermann.com](mailto:jmz@ponderzimmermann.com)

Douglas Ponder, #54968

[dbp@ponderzimmermann.com](mailto:dbp@ponderzimmermann.com)

1141 South 7<sup>th</sup> Street, Suite 309

St. Louis, MO 63104

Phone: 314-450-5990

FAX: 314-450-5935

Attorneys for Plaintiff Crystal McKinney